REMARKS

Claims 9-17 and 19-28 are pending. Claims 12 and 15 were rejected under 35 USC 112 second paragraph. Claims 9-14, 17, and 23-28 were rejected under 35 USC 102(b) as being anticipated by US patent 5,892,939 (Call et al.). Claims 15, 16, and 18-22 were rejected under 35 USC 103(a), as being unpatentable over Call in view of US patent 6,445,963 (Blevins et al.).

Claims 12, 17, 23, 24, 26, and 28 are amended herein. The claims are clarified in response to the 112 rejections. No new matter is added, and the subject matter is not changed. Claims 9-17 and 19-28 are presented for examination in view of the following arguments.

Response to rejections under 35 USC 112

Claims 9-28 are rejected under 35 USC 112, but reasons are only given for claims 12 and 15.

The "storage" recitations are clarified in claim 12 and others.

Claim 15 depends from claim 13, which recites "an access module".

Response to rejections under 35 USC 102

Examiner asserts that Call column 1, line 44 teaches a method for generating program modules. This is not found. Call mentions modules, but nothing about automatic generation thereof. The term "module" is defined in Call col. 1, lines 45-46 as hardware, firmware, and software, so it does not mean program modules that could be automatically generated. Although most software has program modules, and all software performs something automatically, this does not mean it automatically generates program modules. Program modules as claimed herein mean software code that is executed on a field device. Automatic generation of such modules is not found in Call.

The invention of Call is an emulation program that allows graphics files for a human/machine interface (HMI) to be displayed and used on a different system from that for which it was designed. This is unrelated to the present invention. Call's emulation program does not execute in a field device, but in a conventional computer such as a personal computer 305 (col. 6, lines 51-54: "*FIG 4B illustrates an isometric view of a conventional computer that provides an environment within which the present invention may suitably be implemented and operated*"). For example, in FIG 1 the emulation program runs in an operator console that emulates the universal operator station module 150 (col. 8, lines 10-14) -- not in the field devices, which are not even shown in FIG 1.

Call repeatedly teaches that his emulator preferably operates on a multi-tasking operating system (col. 11, lines 31-32), such as Windows NT. Such an operating system is not supportable on field devices such as sensors and device controllers as described in the present specification (par. 4, lines 12-16: "*Certain simple signal processing tasks, such as self-monitoring by the system or the calibration and damping of the measured values, can here be carried out even within the field device itself*") and in Call (col. 7, lines 25-26: "*a variety of field devices (not shown) including valves, pressure switches, pressure gauges, thermocouples or the like.*"). This clarifies that the emulator of Call executes on an operator console, not in a field device as claimed.

Thus, there is no teaching in Call that software code is automatically generated and executed on a field device from a machine readable description of parameters of a field device as claimed in all the independent claims herein.

Support is lacking for the dependent claim rejections as well. For example, claim 12 is rejected based on Call column 7, line 26. However, Call never mentions reserving segments of a storage mechanism in a field device. In fact, field devices are not even shown in any of the drawings, and are never described as having storage. Call col. 7, lines 25-26: "*a variety of field devices (not shown) including valves, pressure switches, pressure gauges, thermocouples or the like.*"

Similarly unsupported are the rejections of claims 13-17, 19, 20, 23, 24, 26, and 28, which recite other elements generated in the field device. These elements include a declaration module, an access module, a cross-referencing module, and a parameter naming module. Call never mentions such elements generated in a field device.

Response to rejections under 35 USC 103

The proposed combination with Blevins does not fill the above deficiencies of Call as to the independent claims.   The dependent claims should be allowed as containing all the limitations of a respective allowable base claim in addition to other limitations.

Conclusion

For anticipation under 35 USC 102, a reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present (MPEP 706.02(a) IV). The identical invention must be shown in as complete detail as recited in the claim, and the elements must be arranged as required by the claim (MPEP §2131). These criteria are not met by Call as to the independent claims and others, as argued above.

M.P.E.P. 2143.03 provides that to establish prima facie obviousness of a claimed invention, all words in a claim must be considered in judging the patentability of that claim against the prior art. If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. As argued above, the proposed combination lacks features claimed in the independent claims herein. Thus the combination does not support the obviousness rejections of the claimed invention.

Accordingly, Applicants request withdrawal of the 35 USC 102 and 103 rejections. Applicants feel this application is in condition for allowance, which is respectfully requested.

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The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated: *Jan. 22, 2009*

By: *Janet D. Hood*
Janet D. Hood
Registration No. 61,142
(407) 736-4234

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, New Jersey 08830